

REMARKS

The Office Action dated September 24, 2007, has been carefully considered. Claims 1-6, 11, and 23-30 are pending. New Claims 29 and 30 have been added to further define the protection in which Applicant is entitled. Applicant requests that the Examiner consider the following remarks, and pass the application to allowance.

Rejection - 35 U.S.C. §103

Claims 1, 5, 6, 11, 23, 27 and 28 were rejected under 35 U.S.C. 103(a) as being unpatentable over Byrnes (U.S. Patent No. 6,179,343) in view of Palmer (U.S. Patent No. 4,137,30).

Initially, as set forth in 35 U.S.C. § 103(a):

A patent may not be obtained though the invention is not identically disclosed or described ... if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. (Emphasis added.)

The Office bears the initial burden of establishing a factual basis to support the legal conclusion of obviousness. See *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984). The Office must make the factual determinations set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 USPQ 459, 467 (1966).

For rejections under 35 U.S.C. § 103(a) that are based upon a combination of prior art elements, the Supreme Court stated in *KSR Int'l v. Teleflex Inc.*, 127 S.Ct. 1727, 1741, 82 USPQ2d 1385, 1396 (2007), that "[a]s is clear from cases such as *Adams*, a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art." Rather, as stated in *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir.), "rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." See also *In re Fine*, 837 F.2d 1071, 1073, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988).

Claims 1 recites a pipe coupling consisting of: an elongated housing comprising a first end and a second end, the housing defining an elongated bore therein; a stop located on an inner diameter of the housing, the stop located between the first end and the second ends of the housing, wherein a distance from the stop to one of the first and second ends is at least two times a distance from the stop to the other of the first and second end of the housing; a first cylindrical bore extending from the first end to the stop; and a second cylindrical bore extending from the second end to the stop, wherein the angle between the first cylindrical bore and the second cylindrical bore is about 15 degrees to about 165 degrees, and wherein each of the cylindrical bores are configured to allow a pipe end to advance into the pipe coupling until reaching the stop.

Claim 11 recites a pipe coupling consisting of: an elongated housing comprising a first end and a second end, the housing defining an elongated bore therein; a stop located on an inner diameter of the housing, the stop located between the first end and the second ends of the housing, wherein a distance from the stop to one of the first and second ends is at least two times a distance from the stop to the other of the first and second end of the housing; a first cylindrical bore extending from the first end to the stop; and a second cylindrical bore extending from the second end to the stop, wherein the angle between the first cylindrical bore and the second cylindrical bore is about 15 degrees to about 165 degrees, and wherein each of the cylindrical bores are configured to allow a pipe end to advance into the pipe coupling until reaching the stop.

Claim 23 recites a pipe coupling comprising: an elongated housing comprising a first end and a second end, the housing defining an elongated bore therein; a single stop located on an inner diameter of the housing, the stop located between the first end and the second ends of the housing, wherein a distance from the stop to one of the first and second ends is at least two times a distance from the stop to the other of the first and second end of the housing; a first cylindrical bore extending from the first end to the stop; and a second cylindrical bore extending from the second end to the stop, wherein an angle between the first cylindrical bore and the second cylindrical bore is about 15 degrees to about 165 degrees.

As set forth in the Office Action, Byrnes (mistakenly identified as Muser) "fails to disclose cylindrical bores." Instead, Byrnes relates to a pipe elbow having two parts, each part having an arcuate segment.

Palmer relates to a tent, which may be folded into a compact bundle for transportation and when desired for use can be spread and set up in an expeditious manner without the aid of "guy ropes." As shown in Palmer, Fig. 2 represents a longitudinal section of angle socket-piece connected to pieces of the tent-frame, drawn on an enlarged scale.

In contrast to the combination of features as recited in Claims 1, 11, and 23, neither Byrnes nor Parker disclose a pipe coupling having an elongated housing comprising a first end and a second end, the housing defining an elongated bore therein; a stop located on an inner diameter of the housing, the stop located between the first end and the second ends of the housing, wherein a distance from the stop to one of the first and second ends is at least two times a distance from the stop to the other of the first and second end of the housing; a first cylindrical bore extending from the first end to the stop; and a second cylindrical bore extending from the second end to the stop.

Rather, in Byrnes each segment is arcuate (i.e., "to bend like a bow"). Meanwhile, in Parker, each piece is an angle socket-piece, which does not include a housing defining an elongated bore therein nor is the stop located on an inner diameter of the housing such that the distance from the stop to one of the first and the second ends is at least two times the distance from the stop to the other of the first and second end of the housing as recited in Claims 1, 11, and 23. Accordingly, for the reasons set forth above, Claims 1, 11, and 23 should be allowable. Claims 5, 6, 27, and 28 are dependent from Claims 1, 11 or 23 and should also be allowable for the reasons set forth above.

Claims 2-3 and 24-26 were rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Byrnes in view of Palmer, in further view of McIlroy (U.S. Patent No. 3,995,888).

Claims 2-3 and 24-26 are dependent from Claims 1 and 23, respectively, and for the reasons set forth above as to Claims 1 and 23, Claims 2-3 and 24-26 should be allowable.

New Claims

New Claims 29 and 30 recite the pipe coupling of Claims 1 and 11, respectively, wherein the stop is a single stop located on the inner diameter of the housing. For the reasons set forth above as to Claims 1 and 11, Claims 29 and 30 should also be allowable.

Conclusion

It is respectfully submitted that the claims are presently in condition for immediate allowance, and such action is requested. If, however, any matters remain that can be clarified by the Examiner's amendment, the Examiner is cordially invited to contact the undersigned by telephone at the number below. In the event that there are any questions concerning the amendments or the application in general, the Examiner is respectfully urged to contact the undersigned so that prosecution may be expedited.

Respectfully submitted,

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